

LOUISIANA DEPARTMENT OF  
HEALTH AND HOSPITALS

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SUIT NO. 128012

17<sup>th</sup> JUDICIAL DISTRICT **DIVISION E**

VERSUS

PARISH OF LAFOURCHE

REGINA LECOMPTE

STATE OF LOUISIANA

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**EX PARTE PETITION TO MAKE COMPLIANCE ORDER(S) EXECUTORY  
PURSUANT TO L.A. R.S. 40:6(G)**

The petition of Dr. Jimmy Guidry, M.D., in his official capacity as State Health Officer, Louisiana Department of Health and Hospitals ("DHH"), Office of Public Health, through undersigned counsel, respectfully represents:

1.

Dr. Jimmy Guidry, State Health Officer for DHH, Office of Public Health, is granted jurisdiction and authority to enforce the State Sanitary Code (Louisiana Administrative Code Title 51) pursuant to La. R.S. 40:4 and R.S. 40:5, including enforcement of compliance orders pursuant to LSA R.S. 40:6(G).

2.

Made defendant herein is **Regina Lecompte** (hereinafter "Defendant"), a person of full age of majority domiciled in Lafourche Parish, Louisiana

3.

Defendant Regina Lecompte is the owner of the house and premises located in Lafourche Parish at 428 Sharnell Drive, Houma, Louisiana 70364.

4.

A Compliance Order issued pursuant to La. R.S. 40:4, 40:5, 40:6, and Sanitary Code Part I, §111, signed by Dr. Jimmy Guidry, State Health Officer, and J.T. Lane, DHH Assistant Secretary for the Office of Public Health, was hand delivered to Defendant on June 23, 2014. A certified copy of said Compliance Order, which bears the DHH-assigned number OPH-2014-OW-004, together with all attachments thereto, is attached to this petition as **Exhibit DHH-A**. The process server's return associated with the hand delivery of Compliance Order No. OPH-2014-OW-004 is attached hereto as **Exhibit DHH-B**.

5.

As more particularly described therein, Compliance Order No. OPH-2014-OW-004 was issued only after DHH personnel conducted various inspections and provided Defendant with all

notice(s) required under Sanitary Code Part I.

6.

Compliance Order No. OPH-2014-OW-004 was issued to Defendant because she failed, after numerous notices and other attempts by DHH to obtain voluntary compliance, to comply with Sanitary Code Part XIII, §305(A), which states that:

A person shall not directly or indirectly discharge, or allow to be discharged, the contents or effluent from any plumbing fixtures, vault, privy, portable toilet, or septic tank, into any road, street, gutter, ditch, water course, body of water, or onto the surface of the ground.

7.

As noted in the exhibits attached to Compliance Order No. OPH-2014-OW-004, the onsite aerobic sewage treatment system presently in use at Defendant's house is not in good repair or properly functioning, nor are all associated waste plumbing lines attached to the sewage treatment system, in violation of Sanitary Code Part XIII, §707(A), which states that:

Individual sewerage systems shall be kept in service and in a serviceable condition sufficient to insure compliance with this code and in order to avoid creating or contributing to a nuisance or a public health hazard.

8.

Despite being properly served with Compliance Order No. OPH-2014-OW-004, Defendant did not thereafter, within the twenty days allowed under Sanitary Code Part I, §111 or otherwise, submit to either DHH or the Division of Administrative Law any form of written request that might be construed as a request for an administrative appeal of said Compliance Order.

9.

A Notice and Order of Imposition of Penalties ("NOIP") issued pursuant to La. R.S. 40:4, 40:5, 40:6, and Sanitary Code Part I, §113, signed by Dr. Jimmy Guidry and J.T. Lane, was hand delivered via domiciliary service to Defendant on October 10, 2014. A certified copy of the NOIP is attached hereto as **Exhibit DHH-C**. The process server's return associated with the hand delivery of the NOIP is attached hereto as **Exhibit DHH-D**.

10.

As noted therein, the NOIP was preceded by a Post Order Inspection Report ("POIR"), attached hereto as **Exhibit DHH-E**, conducted and completed by DHH personnel on July 14,

2014, and served upon Defendant via hand delivery on July 30, 2014. A copy of the process server's return is attached hereto as **Exhibit DHH-F**.

11.

DHH issued the NOIP because Defendant failed to notify DHH in writing, as required by the POIR, that she had complied with Compliance Order No. OPH-2014-OW-004.

12.

Despite being properly served with the NOIP, Defendant did not thereafter, within the twenty days allowed under Public Health Sanitary Code Part I, §111 or otherwise, submit to either DHH or the Division of Administrative Law any form of written request that might be construed as a request for an administrative appeal of the NOIP.

13.


The Defendant has not complied with all of the actions required by Compliance Order No. OPH-2014-OW-004, nor paid the penalty assessed by the NOIP. DHH is thus entitled to an ex parte judgment making both Compliance Order No. OPH-2014-OW-004 and the NOIP a judgment of the district court and making the judgment executory, pursuant to La. R.S. 40:6(G).

14.

Petitioner also suggests that the filing of this Petition and attached documents should be free from payment of any costs of court or other security bonds pursuant to La. R.S. 40:31, which exempts the Department of Health and Hospitals, and its agents and subdivisions, from court costs in any suit.

WHEREFORE, petitioner Dr. Jimmy Guidry, State Health Officer, Louisiana Department of Health and Hospitals ("DHH"), Office of Public Health, prays that Compliance Order No. OPH-2014-OW-004 and the NOIP be made executory in this court, pursuant to La. R.S. 40:6(G), that all costs of these proceedings be taxed against the defendant, and for all other general and equitable relief warranted.

Respectfully Submitted:

  
\_\_\_\_\_  
David L. McCay (Bar Roll No. 23527)  
La. Department of Health and Hospitals  
Bureau of Legal Services  
P.O. Box 3836  
Baton Rouge, Louisiana 70821-3836  
Telephone: (225) 342-1123; fax 342-2232  
david.mccay@la.gov

FILED

AUG 21 2015

CLERK OF COURT

LOUISIANA DEPARTMENT OF  
HEALTH AND HOSPITALS

\* SUIT NO. \_\_\_\_\_  
\*  
\* 17<sup>th</sup> JUDICIAL DISTRICT COURT  
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\* PARISH OF LAFOURCHE  
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\* STATE OF LOUISIANA

VERSUS

REGINA LECOMPTE

\*\*\*\*\*

**AFFIDAVIT**

STATE OF LOUISIANA

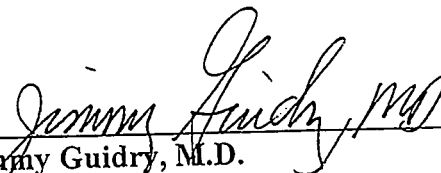
PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned Notary Public, personally came and appeared:


**Dr. Jimmy Guidry, State Health Officer**

who, after being duly sworn, did depose and state:

That he is the petitioner in the above and foregoing petition, that he has read the above-captioned petition, and that all of the allegations of fact contained therein are true and correct to the best of his information, knowledge, and belief.

  
\_\_\_\_\_  
Jimmy Guidry, M.D.

SWORN TO AND SUBSCRIBED before me, Notary Public, on this 12<sup>th</sup> day of August, 2015.

  
\_\_\_\_\_  
NOTARY PUBLIC  
DAVID L. McCAY  
LA BAR ROLL #23527  
NOTARY PUBLIC, STATE OF LOUISIANA  
MY COMMISSION IS FOR LIFE

**FILED**

AUG 21 2015

\_\_\_\_\_  
CLERK OF COURT

LOUISIANA DEPARTMENT OF  
HEALTH AND HOSPITALS

\* SUIT NO. \_\_\_\_\_  
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VERSUS

REGINA LECOMPTE

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**JUDGMENT**

The court, having reviewed the above and foregoing petition, together with all exhibits and affidavits attached thereto, finds the law and evidence in favor of plaintiff, Louisiana Department of Health and Hospitals, and against the defendant, **Regina Lecompte** (whose date-of-birth and social security number are unknown to plaintiff). Accordingly:

**IT IS ORDERED, ADJUDGED, AND DECREED** that Compliance Order No. OPH-2014-OW-004, issued by the Louisiana Department of Health and Hospitals to Regina Lecompte, a copy of which is attached hereto, is hereby made an executory judgment of this court; and

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Notice and Order of Imposition of Penalties dated September 22, 2014, issued by the Louisiana Department of Health and Hospitals to Regina Lecompte, a copy of which is attached hereto, is hereby made an executory judgment of this court and, accordingly, judgment is hereby rendered in favor of the plaintiff, Louisiana Department of Health and Hospitals, and against the defendant, Regina Lecompte, in the amount of **Seven Thousand One Hundred and 0/100 Dollars (\$7,100.00)**, together with legal interest thereon from date of judicial demand until paid, and for all costs.

SIGNED in chambers this 27<sup>th</sup> day of August, 2015, at  
Thibodaux, Louisiana.

J. F. Hugh Layton  
JUDGE, 17<sup>th</sup> Judicial District Court

**PLEASE SERVE NOTICE, PETITION WITH ATTACHMENTS, AND JUDGMENT ON:**

Regina Lecompte  
428 Sharnell Drive  
Houma, Louisiana 70364

**FILED**

J. D. McLean  
AUG 21 2015  
CLERK OF COURT